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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 VINCENT RUSSELL,

11 Plaintiff,

12 v.

13 AVERY LYONS, et al.,

14 Defendant.

CASE NO. 2:22-CV-1863-RAJ-DWC

ORDER DENYING REQUEST FOR  
COURT-APPOINTED COUNSEL

15 Currently before the Court is Plaintiff Vincent Russell's Motion requesting Court-  
16 appointed counsel. Dkt. 14. Plaintiff has previously sought Court-appointed counsel and his  
17 requests were denied. *See* Dkts. 5, 8, 10, 11. No constitutional right to appointed counsel exists  
18 in a § 1983 action. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981); *see United States*  
19 *v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995) (“[a]ppointment of counsel  
20 under this section is discretionary, not mandatory”). However, in “exceptional circumstances,” a  
21 district court may appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1)  
22 (formerly 28 U.S.C. § 1915(d)). *Rand v. Roland*, 113F.3d 1520, 1525 (9th Cir. 1997), *overruled*  
23 *on other grounds*, 154 F.3d 952 (9th Cir. 1998). To decide whether exceptional circumstances  
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1 exist, the Court must evaluate both “the likelihood of success on the merits [and] the ability of  
2 the [plaintiff] to articulate his claims *pro se* in light of the complexity of the legal issues  
3 involved.” *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (quoting *Weygandt v.*  
4 *Look*, 718 F.2d 952, 954 (9th Cir. 1983)). A plaintiff must plead facts showing he has an  
5 insufficient grasp of his case or the legal issues involved and an inadequate ability to articulate  
6 the factual basis of his claims. *Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103  
7 (9th Cir. 2004).

8 In the Motion for Counsel, Plaintiff states he is not legally experienced and has numerous  
9 mental health problems. Dkt. 14. He states counsel will assist in making this process fair. *Id.* At  
10 this time, Plaintiff has not shown, nor does the Court find, this case involves complex facts or  
11 law. Plaintiff has also not shown he is likely to succeed on the merits of his case or shown an  
12 inability to articulate the factual basis of his claims in a fashion understandable to the Court.  
13 Additionally, Plaintiff is able to clearly articulate his requests in a way that is understandable to  
14 the Court. While Plaintiff may be able to better litigate this case with appointed counsel, that  
15 fact, alone, does not establish an extraordinary circumstance warranting the appointment of  
16 counsel. *See Rand*, 113 F.3d at 1525; *Wilborn*, 789 F.2d at 1331. Therefore, the Court finds  
17 Plaintiff has failed to show the appointment of counsel is appropriate at this time. Accordingly,  
18 Plaintiff’s Motion for Counsel (Dkt. 14) is denied.

19 Dated this 4th day of May, 2023.

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22 David W. Christel  
23 Chief United States Magistrate Judge  
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